

THE SEWER BOARD OF THE CITY OF NEW ALBANY, INDIANA HELD A MEETING IN THE 3RD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING, NEW ALBANY, INDIANA ON TUESDAY, JANUARY 17, 2006 AT 3:30 P.M.

PRESENT: Chairman Mayor James Garner, Vice Chairman Bill Utz, Mark Seabrook, Todd Solomon and Larry Kochert.

OTHERS: Attorney Greg Fifer, Rob Sartell and Brian Dixon, EMC, Tina Haley, Sewer Billing Manager Kelly Welsh and City Clerk Marcey Wisman.

CALL TO ORDER:

Mayor Garner called the meeting to order at 3:34.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mayor Garner stated that Mike Feltzer should be corrected to read Mike Feltz and that the motion approving the MAC bid for the bar screen project should state “MAC being the lowest most responsive and responsible bidder”.

Mr. Utz moved to approve the minutes with corrections, Mr. Solomon second, all voted in favor.

COMMUNICATIONS - PUBLIC:

Susan Johnson asked if there was anything new from the EPA regarding sewer credits.

Mayor Garner stated no.

Mrs. Johnson asked if there was anything new on Georgetown.

Mayor Garner stated that they are waiting for information from the engineers on the Robert E. Lee lift station before they speak with Georgetown, which will hopefully be the beginning of February.

Mrs. Johnson asked if there should be a way to charge a tap fee to each business in a multi-unit building such as Lauren’s Corner.

Mayor Garner stated that there is a formula to figure the amount of a tap for large shell buildings.

John Mattingly, stated he was here last month about the Thornton Oil that is going up on Corydon Pike and he has not heard back from Mr. Fifer.

Mr. Fifer stated that he has not heard back from the EPA.

Mr. Mattingly stated that he spoke with Ken Lee from IDEM who stated they did not have a problem with them swapping credits and he will send a letter stating that fact.

Mr. Fifer stated that if he received that in writing that he could bring it to the board to be considered.

COMMUNICATIONS - CITY OFFICIALS

Ms. Wisman presented contracts from CSX for sewer easements. She stated that they wanted to increase the yearly amount from \$20.00 per year to \$70.00 per year.

The Board took these under advisement.

SEWER ADJUSTMENTS:

Item 1 - Kelly Welsh re: sewer adjustment requests

1. Bradley and Carrie Lincks, 3008 Lone Wolf, Ms. Welsh reported that there is not enough history for summer watering program.

They were not present and no action was taken.

2. Frank and Linda Lapilusa, 4208 Saint Andrews Pl., Ms. Welsh reported that they are disputing the time frame in which the summer watering program is offered.

There were not present and no action was taken.

3. Charles Cissell, 820 Castlewood Dr., requested an adjustment in the amount of \$398.29 for an underground leak.

Mr. Solomon made a motion to approve, Mr. Utz second, all voted in favor.

4. Robert Clayton 3839 Rainbow Drive, requested an adjustment in the amount of 646.46 for a leak in an outside water line.

Mr. Utz made a motion to approve, Mr. Seabrook second, all voted in favor

5. Terry Varisco, 4212 Glenbrook East, requested an adjustment in the amount of \$447.76 for a leak at the meter.

Mr. Seabrook made a motion to approve, Mr. Solomon second, all voted in favor

6. Derrick Wilson, 3026 Brookhaven, requested an adjustment in the amount of 747.69 for a leak in his irrigation system.

Mr. Seabrook made a motion to approve, Mr. Solomon second, all voted in favor.

7. James Ray, 3032 Shagbark Trail, requested an adjustment in the amount of \$292.64 for a leak at the main water line leading into his house through a hydrant.

Mr. Seabrook asked if we could find out what is meant by the “line coming from the hydrant”.

The Board asked for clarification on this issue before they make a decision.

Mrs. Welsh reported that they had a conference call with Indiana American Water Company and they were asking what they could do to keep the city from taking over the Silver Creek billing.

Mr. Fifer stated that the gentleman that they are currently working with is new and he is trying to placate a lot of unhappy customers.

OLD BUSINESS:

Item #1 - Chad McCormick re: Revised Task Order 9

Mr. McCormick presented the board with a revised Task Order 9 and explained the specs involved. Said Task Order is on file with the City Clerk’s office.

Mr. Seabrook asked if the funding for this would come out of the \$2.00 drainage fees.

Mayor Garner stated that eventually this would be paid out of the drainage fee, but until they start to come in they will be paid from the sewer utility as a loan.

There was a lengthy discussion regarding when the billing would start and that if it was not on the physical January bill they want the fee in February's bill to be doubled to make up for the missed month.

Mr. McCormick requested that the Task Order 9 be acted on.

Mayor Garner asked if the actual time that it takes for an item is less than what they estimate then would the cost be lower.

Mr. McCormick stated that it would be less.

Mr. Solomon stated that he has looked over it and he feels comfortable with it and he feels that it needs to be moved on.

Mr. Solomon moved to approve \$77,000 for Task Order 9, Mr. Seabrook second, all voted in favor.

Mr. McCormick stated that there is an issue with the SWAC regarding the staffing. They want the city to employ the Floyd County Soil and Water Conservation District for the inspections.

There was a lengthy discussion regarding whether or not it would viable to use the Soil and Water Conservation District and the confusions that are occurring in other communities regarding enforcement.

Item #2 - Jim Miller re: Task Order No. 1 to Continue Professional Services Agreement between City of New Albany and Donahue & Associates.

Steve Gress, addressed the board regarding a Continuing Professional Services Agreement, Task Order 1 and Task Order 2 which he presented to the board members. He explained each document which is on file in the City Clerk's office.

Mr. Fifer stated that Ruckman is waiting to see whether or not the Grantline Road line could handle a project that they are putting in and was wondering if they could get a preliminary opinion from them as to where they can hook onto that line.

Mr. Solomon stated that he feels that developers should have to pay for that information.

Mr. Fifer stated that he has discussed that with Ruckman and they understand. He stated that if Mr. Solomon wanted to work with him he would prepare a Resolution setting out the cost for developers.

There was a lengthy discussion regarding the scopes spelled out in task order 1 and 2.

Mr. Solomon stated that he feels that these are reasonable scopes and costs.

There were questions asked regarding the swim model program and whether or not the city owns this data.

Mr. Solomon explained to the board the city owns the swim data but we do not have the software to run this data and we have no one on staff qualified to run this software.

Mr. Solomon motioned to approve the Continuing Professional Services Agreement and Task 1, Mr. Utz second, all voted in favor.

There was a lengthy discussion as to what projects could be used to re-rate the plant for higher capacity. The board asked Mr. Gress to look into this.

Mr. Gress explained that this is taken care of in Task Order 2.

Item #3 - Mike Feltz re: Robert E. Lee lift station projects update.

Mr. Feltz stated that there is really no new news on the project. He has made phone calls regarding permits and has not heard anything in return. He stated that he wanted to also discuss the invoices that the board had questions on. He stated that invoices 38400 and 38401 should be voided because he discovered that due to an accounting error the city was double billed. He stated that the city will be re-billed on invoice 38402 and 38403 in the total amount of \$3,962.54. He stated that there were also errors on the other three invoices and he asked that they be voided as well and would be re-billed on invoices 38734 and 38735 and 38737 the amount is \$20,700.00. He stated that he has also provided Mr. Dixon with invoice 38736 in the amount of \$8,400. He said that the total amount for the invoices is \$29,100 and the amount already sent for Donahue needs to be subtracted from this amount.

Mr. Dixon asked if he could write on the invoice that Donahue's portion should be deducted from the total amount of the claims.

Mr. Fifer stated that he should get an addendum from Mike for that deduction.

Mr. Solomon moved to approve the replacement invoices for the Bar Screen Project that totals \$29,000 with the provision that the amount paid to Donahue be subtracted and to pay Task Order No. 4 totaling \$3,962.54 , Mr. Utz second, all voted in favor.

NEW BUSINESS:

Item #1 - Paul Primavera for Reflection Ridge Patio Homes, re: request for connection to existing main.

Mr. Primavera presented a plan development for Reflection Ridge which has been approved by the Plan Commission and they asked that they be allowed to tap on Lot 1 and 6 through 18 to the line off of Green Valley Road.

Mr. Fifer stated that he wanted to disclose that he did some zoning work for this project. It was his opinion that this fell in line with the consent decree in that they are one and two family homes and they can hook to an existing line. Therefore, they do not need to get credits for these permits.

Mr. Primavera stated that they would prefer to tap into the new line however, if they can not get credits by the time they are ready to tap in they will tap into the existing line.

Mr. Dixon stated that he would like it if they would tap into the new line at a later date once it is approved to help them avoid problems with the laterals later. He asked for plans prior to this line going in and having laterals tapped in.

Mr. Primavera stated that he would do this.

Item #2 - Tina Haley for Blackberry Ridge/Tedesco Property, re: transferring of credits.

Ms. Haley stated that the owners of Blackberry Ridge have purchased the property across the road from them owned by Tedesco Property and they would like to transfer the credits from that property to Blackberry Ridge.

Mr. Dixon stated that he has received a call from a plumber stating that he was called to tap the line. He told him that it was not ready for service but he was worried because the line was full of water. Mr. Dixon is concerned because there is one house out there that has "For Sale" signs in the yard and he would like to have a way to stop any sales that may occur out there until this line is complete or at least let anyone who buys out there know that there is no sewer service to these homes.

Mayor Garner asked if he thought someone has used that line.

Mr. Dixon stated that he does not. He believes that the line was either hit during construction and also the line is open on one end.

There was a lengthy discussion regarding the needed inspection of this line and that the developer will need to uncover the line for them to inspect it prior to the line being connected to the system and laterals being connected.

Item #3 - Tina Haley for McDonald's on Charlestown Road, re: sewer credits.

Mrs. Haley explained that McDonalds will be tearing down the existing building on Charlestown Road and constructing a new one in the exact same place, and they want to make sure they will maintain their existing credits.

Mr. Fifer explained that there is a provision in the Consent Decree that states the board should send a letter explaining the situation to the EPA and they will inform the board within 30 days whether or not they will approve the retention of the credits.

EMC REPORT:

Mr. Sartell stated that he invoiced Lineal Company and gave them 30 days to pay the \$9,425 and they have not heard anything from them in the allotted time.

Mr. Fifer told him that he should send a letter stating that this would be referred for legal action if not paid within the next 30 days. He stated that he should also copy that to SBC as well because Lineal was the contractor for SBC.

Mayor Garner gave him the information to contact Mr. Borrias at SBC directly.

Mr. Sartell stated that they have Surplus Flight Pumps and he has received only one interested party at \$6,000.

Mr. Solomon moved to approve that he sell them at that price, Mr. Utz second, all voted in favor.

Mr. Dixon had a letter for Notice of Award that he needs to get signed so that MAC can get started on the Bar Screen Project.

Mr. Fifer asked Mr. Sartell if he had the chart showing the over-flows for the past 3 years.

Mr. Sartell stated that he emailed it to him last Friday.

Mr. Fifer explained to the board that he asked that this chart be made to show substantial rain events over the past three years and how many overflows there were related to each rain event and how they have decreased over the three year period that the system was being repaired.

Mr. Sartell stated that the overflows did decrease over time.

Mr. Fifer asked if since the completion of the project if there have been any over flows not connected to Robert E. Lee or the Bar Screen other than Jenny Lane.

Mr. Sartell stated that other than Jenny Lane no.

Mr. Fifer stated that he will need to get a letter to the EPA regarding the Jenny Lane incident and he would like a report from Mr. Sartell setting out what he believes was the cause of this incident.

CLAIMS:

Mr. Dixon presented the following claims for approval:

DSD Development in the amount of \$125,865.00. He stated that MEKA has sent in there check and that there is \$140,000 available.

Steve Theineman stated that this amount is based on 15,000 gallons per day, because if it is more gallons than that per day the amount should be increased. He also asked if they had to file a claim for each connection to the line.

There was a lengthy discussion regarding how information would be shared between the City and DSD in regards to subsequent users being added to the line, and how claims are paid by the city.

Mr. Fifer stated that Mr. Theineman should make quarterly invoices for the city and give them to Mr. Dixon to be filed.

Mr. Dixon continued his presentation of claims to be approved:

Headworks, Bar screens, \$18998.85,

K & E. \$1,841.24

State of Indiana, IPDES Permit, \$11,500

Mr. Sartell stated that this is to continue a permit that has expired, and that they are still waiting to hear whether or not the new permit has been approved.

Melhisier, Endris and Tucker, \$566.04

Mr. Kochert moved to approve the claims, Mr. Solomon second, all voted in favor.

ADJOURNMENT:

There being no further business before the Sewer Board, the meeting adjourned at 6:16 p.m.

Respectfully submitted,

Mayor James Garner, Chairman

Marcey Wisman, City Clerk